

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

**IN RE:**

**WILLIAM DWIGHT THOMAS  
LAURA ELIZABETH THOMAS  
DEBTOR(S)**

**3:16-bk-31682-SHB  
CHAPTER 7**

**MOTION FOR RELIEF FROM THE AUTOMATIC  
STAY OF SECTION 362 OR IN THE ALTERNATIVE ADEQUATE PROTECTION**

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at, United States Bankruptcy Court, Howard H. Baker Jr. U.S. Courthouse, 800 Market Street, Suite 330, Knoxville, TN 37902, an objection within 14 days from the date this paper was filed and serve a copy on movant's attorney, Shapiro & Ingle, LLP, 10130 Perimeter Parkway, Suite 400, Charlotte, NC 28216. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

**COMES NOW** U.S. Bank, National Association, Successor Trustee to Bank of America, N.A. as Successor to LaSalle Bank, N.A. as Trustee, for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-H1 and respectfully shows the Court the following:

1. On May 27, 2016, the Debtor(s), William Dwight Thomas and Laura Elizabeth Thomas, filed a petition with the Bankruptcy Court for the Eastern District of Tennessee under Chapter 7 of Title 11 of the United States Code.
2. On the date the petition was filed, the Debtor(s) were the owner(s) of real property with an address of 903 Rosedale Avenue, Loudon, TN 37774 ("Property") and more particularly described in the Deed of Trust referred to below.
3. The said Deed of Trust secures a Note in favor of First Franklin Financial Corp, an op. sub. of MLB&T Co., FSB, in the original principal amount of \$65,500.00, dated May 25, 2007 ("Note"), a copy of which is attached as "Exhibit 1".
4. The Property is subject to the first lien of the Movant by the Deed of Trust recorded in the Loudon County Public Registry, ("Deed of Trust"), a copy of which is attached as "Exhibit 2".
5. The said Note and Deed of Trust have been transferred and assigned to U.S. Bank, National Association, Successor Trustee to Bank of America, N.A. as Successor to LaSalle

Bank, N.A. as Trustee, for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-H1.

6. The Debtor(s) have defaulted in the payment of the mortgage payments. Upon information and belief, the amount of the default, exclusive of attorney fees and costs, is as follows:

11 payments at \$793.75	\$8,731.25
April 1, 2015 To February 1, 2016	
5 payments at \$795.49	\$3,977.45
March 1, 2016 To July 1, 2016	
Less Suspense	(\$0.00)
TOTAL PAYMENTS DUE	\$12,708.70

7. The approximate payoff is \$75,062.49.

8. The scheduled value of the subject property is \$45,000.00. This information was obtained from Schedule D.

9. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

10. This motion shall serve as notice to the Debtor that the Movant will collect reasonable attorney fees and costs as allowed by the Note and Deed of Trust.

11. Nationstar Mortgage LLC services the Debt Agreement/Note/Home Equity Note on the property. In the event the automatic stay is modified, this case dismisses and/or the Debtor receives a discharge and a foreclosure action is commenced on the property, the foreclosure will be conducted in the name of Movant. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

**WHEREFORE**, Nationstar Mortgage LLC prays the Court as follows:

1. Modify the Automatic Stay of Section 362(a) of the Bankruptcy Code to permit the movant its successors and/or assigns to institute or resume and prosecute to conclusion one or more action(s) in the court(s) of appropriate jurisdiction to foreclose mortgage(s) held by the movant upon the following: - Land and premises commonly known as 903 Rosedale Avenue, Loudon, TN 37774.

2. As an alternative to the relief prayed for above, grant adequate protection to Nationstar Mortgage LLC for its interest in the property of the Debtor(s).

3. Modify Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure so that it is not applicable in this case and so Nationstar Mortgage LLC may immediately enforce and implement this order granting relief from the automatic stay.

4. Grant Nationstar Mortgage LLC reasonable costs and attorney fees incurred in connection with this proceeding; and,
5. Grant Nationstar Mortgage LLC such other and further relief as may seem just and proper.

This the 12th day of July, 2016.

/s/ J. Zachary DeFoor

J. Zachary DeFoor

TN State Bar No.: 32693

SHAPIRO & INGLE, L.L.P.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing motion for relief from the automatic stay, proposed order granting relief from the automatic stay and exhibits and annexed pleading or paper upon:

(Served via U.S. Mail)

William Dwight Thomas and Laura Elizabeth Thomas  
903 Rosedale Ave  
Loudon, TN 37774

(Served via U.S. Mail and Electronic Notification)

Richard M. Mayer  
Law Offices of Mayer & Newton  
1111 Northshore Drive, Suite S-570  
Knoxville, TN 37919

John P. Newton, Jr.  
Law Offices of Mayer & Newton  
1111 Northshore Drive  
Suite S-570  
Knoxville, TN 37919

(Served via U.S. Mail and Electronic Notification)

Dean B. Farmer  
P.O. Box 869  
Knoxville, TN 37901

(Served via U.S. Mail)

United States Trustee  
800 Market Street, Suite 114  
Howard H. Baker Jr. U.S. Courthouse  
Knoxville, TN 37902

by depositing the same in a postpaid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service and/or by electronic mail, if applicable.

This the 12th day of July, 2016.

/s/ J. Zachary DeFoor

J. Zachary DeFoor  
TN State Bar No.: 32693  
SHAPIRO & INGLE, L.L.P.  
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